

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION**

UNITED STATES OF AMERICA §
§
V. § **CASE NO. 1:03-CR-14**
§
KENNETH CAPPS, JR. §

**ORDER ADOPTING
FINDINGS OF FACT AND RECOMMENDATION ON PLEA OF TRUE**

The Court referred this matter to United States Magistrate Judge Keith F. Giblin, at Beaumont, Texas, for consideration pursuant to 28 U.S.C. § 636(b) and the Local Rules for the United States District Court for the Eastern District of Texas. In accordance with 18 U.S.C. § 3401(i) and 18 U.S.C. § 3583(e), Judge Giblin held a hearing and submitted findings of fact and a recommendation on the revocation of the defendant's supervised release.

Having conducted the proceedings in the form and manner prescribed by Federal Rule of Criminal Procedure 11 and 18 U.S.C. § 3583, the magistrate judge issued his *Findings of Fact and Recommendation on Plea of True* [doc. #55]. The magistrate judge recommended that the Court revoke the defendant's supervised release and impose a term of imprisonment for the revocation with an additional term of supervision to follow.

The parties have not objected to the magistrate judge's recommendation. After review, the Court concludes that the *Findings of Fact and Recommendation* should be accepted.

It is **ORDERED** that the *Findings of Fact and Recommendation on Plea of True* [doc. #55] are **ADOPTED**. The Court finds that the defendant, Kenneth Capps, Jr., violated conditions of his supervised release. The Court accordingly **ORDERS** that the defendant's term of supervision is

REVOKED. Pursuant to the magistrate judge's recommendation, the Court **ORDERS** the defendant to serve a term of eighteen (18) months imprisonment for the revocation, with no further supervision. The Court also recommends placement in the Federal Correctional Institution (FCI) in Seagoville, Texas, for service of the prison term.

So **ORDERED** and **SIGNED** this **29** day of **August, 2013**.



Ron Clark, United States District Judge